

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CHARLES B.,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-0001

MARTIN J. O'MALLEY,
Commissioner of the Social Security Administration,¹

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court grant Claimant's request to reverse the Commissioner's decision (ECF No. 12); deny the Commissioner's request to affirm his decision (ECF No. 15); reverse the final decision of the Commissioner, and remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. No objections to the Magistrate Judge's findings and recommendation have been filed.

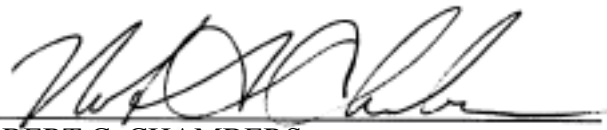
Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge. Consistent with the findings and recommendation, the Court **GRANTS** Claimant's request to reverse the Commissioner's decision (ECF No. 12); **DENIES** the

¹Commissioner O'Malley was sworn in on December 20, 2023, replacing Acting Commissioner Kilolo Kijakazi. Per Fed. R. Civ. P. 25(d), O'Malley was automatically substituted as Defendant in this action..

Commissioner's request to affirm his decision (ECF No. 15); **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 15, 2024



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE